

- (ii) activation of the recipient oocyte containing the donor cell nucleus; and
- (iii) incubation of the activated oocyte to provide an embryo;

wherein the donor cell nucleus is from a non-human mammalian differentiated cell.

37. (New) The method according to claim 36, wherein said non-human mammalian embryo is porcine.

38. (New) The method according to claim 36, wherein said non-human mammalian embryo is an ungulate. --

REMARKS

Reconsideration of this application is respectfully requested.

New claims 20-38 are derived from canceled claim 19 and are fully supported by the specification, for example, as follows:

<u>Claim</u>	<u>Support</u>
Claim 20	Original claims 1, 3, and 13; page 1, lines 4-7 and lines 9-12; page 1, line 32 - page 2, line 1; page 2, lines 7-16; page 5, lines 20-24; page 6, lines 9-12; page 5, lines 20-24; page 20, lines 22-23; page 10, lines 28-29; page 7, lines 16-18; page 8, lines 13-19; page 10, lines 21-24; page 10, lines 18-21; page 12, lines 1-8; page 9, line 6; page 8, lines 29-31; page 5, lines 1-12; page 5, lines 14-24; page 8, lines 29-31; page 1, lines 9-12; page 12, lines 22-28; page 13, lines 5-6; page 12, lines 30-32; page 18, lines 5-9; page 19, lines 14-28; page 5, lines 20-24; page 15, lines 19-27; page 15, lines 31-33; and page 28, lines 7-9.
Claim 21	Page 12, lines 22-28; 15, lines 19-33; and page 18, lines 5-9.
Claim 22	Page 5, lines 30-31; page 6, line 24 - page 7, line 8; and page 17, lines 30-33.
Claim 23	Page 12, lines 22-28; 15, lines 19-33; and page 18, lines 5-9.
Claim 24	Page 17, lines 1-3 and page 19, lines 14-24.
Claim 25	Original claim 3; page 8, lines 13-19.

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Claim 26	Page 1, lines 9-16; page 8, lines 13-17; and page 28, lines 7-9.
Claim 27	Page 9, lines 2-5.
Claim 28	Page 13, line 5 - page 14, line 6.
Claim 29	Page 13, line 5 - page 14, line 6.
Claim 30	Page 6, line 24 - page 7, line 14.
Claim 31	Page 6, line 24 - page 7, line 14.
Claim 32	Page 8, lines 13-17.
Claim 33	Original claims 1, 3, and 13; page 1, lines 4-7 and lines 9-12; page 1, line 32 - page 2, line 1; page 2, lines 7-16; page 5, lines 20-24; page 6, lines 9-12; page 5, lines 20-24; page 20, lines 22-23; page 10, lines 28-29; page 7, lines 16-18; page 8, lines 13-19; page 10, lines 21-24; page 10, lines 18-21; page 12, lines 1-8; page 9, line 6; page 8, lines 29-31; page 5, lines 1-12; page 5, lines 14-24; page 8, lines 29-31; page 1, lines 9-12; page 12, lines 22-28; page 13, lines 5-6; page 12, lines 30-32; page 18, lines 5-9; page 19, lines 14-28; page 5, lines 20-24; page 15, lines 19-27; page 15, lines 31-33; page 16, lines 3-7; and pages 27-28.
Claim 34	Page 17, lines 1-3 and page 19, lines 14-24.
Claim 35	Page 12, lines 22-28; 15, lines 19-33; and page 18, lines 5-9.
Claim 36	Original claim 13; page 1, lines 4-7; page 6, lines 9-12; page 1, line 32 - page 2, line 1; page 5, lines 14-28; page 7, lines 16-32; page 10, lines 28-29; page 10, lines 26-28; page 8, lines 13-19; page 10, lines 21-24; page 10, lines 18-21; page 12, lines 1-8; page 9, line 6; page 8, lines 29-31; page 5, lines 1-31; page 12, lines 30-32; page 17, line 1-3; page 19, lines 14-24; and page 8, lines 13-19.
Claim 37	Original claim 3 and page 5, lines 20-24.
Claim 38	Original claim 2 and page 5, lines 20-24.

No new matter is introduced by this amendment. Upon entry of this amendment, claims 20-38 are pending in this application.

Claims 20-38 are directed to the same or substantially the same invention as claimed in U.S. Patent No. 6,235,969 of Stice et al., issued May 22, 2001.

Applicants' related copending application 09/650,194 is presently involved in Interference No. 104,746 with U.S. Patent No. 5,945,577 of Stice et al. and in Interference No. 104,809 with another party. U.S. Patent No. 6,235,969 of Stice et al. is

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related as a continuation-in-part application to U.S. Patent No. 5,945,577 of Stice et al. Applicants' involved claims in Interference No. 104,746 and Interference No. 104,809 are directed to methods of cloning non-human mammals and non-human mammalian fetuses.

Double Patenting Rejection

Claim 19 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,252,133.

Solely to expedite allowance of the pending claims, and not in acquiescence to this rejection, applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(b).

Claim 19 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S. Application Serial No. 09/989,125.

Solely to expedite allowance of the pending claims, and not in acquiescence to this rejection, applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(b).

Claim 19 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S. Application Serial No. 09/989,126. It is the Examiner's position that, for a cell to be in G1, the donor cell would have had to pass start as presently claimed.

Applicants respectfully disagree. Cells in G1 would not have had to pass through start. As described in the specification, cells in the G1 phase of the cell cycle that have passed through start have made the commitment to undergo another cell cycle.

(Specification at 7, lines 26-32.) Cells in the G1 phase of the cell cycle that have not

passed through start have not made this commitment. Consequently, cells in the G1 phase of the cell cycle may have made or not made this commitment depending on whether they have passed through start.

Solely to expedite allowance of the pending claims, and not in acquiescence to this rejection, applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(b).

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 19 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite in reciting that "the donor cell nucleus is from a mammalian differentiated cell." Claim 19 has been canceled.

As recommended by the Examiner, new claims 36-38 recite that the mammalian differentiated cell is non-human. Accordingly, applicants respectfully request withdrawal of the rejection.

Applicants respectfully submit that this application is now in condition for allowance. If the Examiner believes that issues remain to be addressed before a Notice of Allowance, applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

Respectfully submitted,

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Dated: April 12, 2002

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